

Attorney's Docket No. 14875-144US17/C1-A0230P-US

Dep + Ref

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Masayuki Tsuchiya et al.

Serial No. : 10/535,764

Filed : March 15, 2006

Title : ANTIBODIES AGAINST LESIONAL TISSUES

Art Unit : 1645 OFFICE

Examiner : Unknown

Conf. No. : 3603

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

### REQUEST FOR REFUND

On May 20, 2005, Applicants filed the above patent application without paying claim fees. On or about March 15, 2006, Applicants submitted a Response to Missing Requirements together with a Preliminary Amendment removing all multiple dependent claims. Thus, no claim fees were due.

On July 13, 2006, a fee in the amount of \$360 was charged to Fish & Richardson's Deposit Account No. 06-1050.

This charge was improper, as all fees had previously been satisfied. Applicants respectfully request that the overcharge amount be refunded to Fish & Richardson's Deposit Account No. 06-1050 as a credit.

Respectfully submitted,

Date:

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906  
21388185.doc

Janis K. Fraser, Ph.D., J.D.  
Reg. No. 34,819

### CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

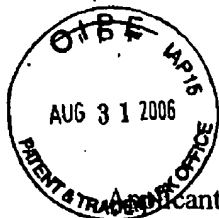
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Signature

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August 28, 2006

Michelle George



IN THE UNITED STATES RECEIVING OFFICE

Applicant : Masayuki Tsuchiya et al.  
Serial No. : 10/535,764  
Filed : May 20, 2005  
Title : ANTIBODIES AGAINST LESIONAL TISSUES

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RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

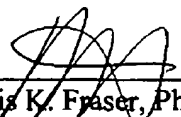
In response to the Notification of Missing Requirements mailed December 16, 2005  
(copy enclosed), Applicants as a large entity submit herewith the following:

- ☒ Check in payment of the surcharge of \$130 for late filing of the basic filing fee and/or declaration;
- ☒ Copy of the Combined Declaration and Power of Attorney in compliance with 37 CFR §1.63;
- ☒ Preliminary Amendment;
- ☒ Petition for One-Month Extension of Time with a check for the required fee of \$120; and
- ☒ Information Disclosure Statement and Form PTO-1449 with copies of listed publications.

It is understood that this perfects the application and no additional papers or filing fees are required. Apply any other charges or credits to Deposit Account No. 06-1050, referencing Attorney Docket No. 14875-144US1.

Respectfully submitted,

Date: March 15, 2006

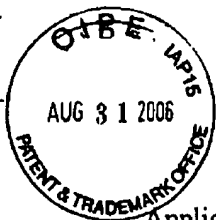
  
for Janis K. Fraser, Ph.D., J.D. Janice L. Kugler  
Reg. No. 34,819 Reg No 50,429

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906  
21286711.doc

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March 15, 2006  
Date of Deposit



Attorney's Docket No.: 14875-144US1 / CI-A0230P-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Masayuki Tsuchiya et al.      Art Unit : Unknown  
Serial No. : 10/535,764      Examiner : Unknown  
Filed : May 20, 2005  
Title : ANTIBODIES AGAINST LESIONAL TISSUES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Prior to examination, please amend the application as indicated on the following pages.

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Date of Deposit March 15, 2006

Amendments to the Claims:

This listing of claims replaces all prior versions and listings of claims in the application:

Listing of Claims:

1. (original) A method for isolating a polynucleotide encoding an antibody against a lesional tissue, wherein the method comprises the steps of:
  - (a) isolating a lesional tissue-infiltrating B cell; and
  - (b) obtaining a polynucleotide encoding an antibody from the isolated B cell.
2. (original) The method of claim 1, wherein the lesional tissue is a cancer tissue.
3. (original) The method of claim 1, wherein step (a) of isolating a lesional tissue-infiltrating B cell comprises the step of excising a region comprising a B cell from a section of said lesional tissue.
4. (original) The method of claim 1, wherein step (b) of obtaining a polynucleotide encoding an antibody comprises the step of amplifying a gene encoding an antibody variable region.
5. (original) An antibody-encoding polynucleotide isolated by the method of claim 1.
6. (original) The polynucleotide of claim 5, wherein the antibody-encoding polynucleotide comprises a polynucleotide encoding an antibody variable region.
7. (original) An expression vector comprising the polynucleotide of claim 5.

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8. (currently amended) A host cell comprising the polynucleotide of claim 5 ~~or the expression vector of claim 7.~~

9. (original) A method for producing an antibody, wherein the method comprises the steps of:  
culturing the host cell of claim 8; and  
recovering an antibody which is the expression product.

10. (original) An antibody produced by the method of claim 9.

11. (original) An antibody encoded by the polynucleotide of claim 5.

12. (original) The antibody production method of claim 9, wherein the method further comprises the steps of:

- (1) contacting the antibody obtained by the method of claim 9 with a lesional tissue;
- (2) detecting the binding between the antibody and the lesional tissue; and
- (3) selecting an antibody that binds to the lesional tissue.

13. (new) A host cell comprising the vector of claim 7.

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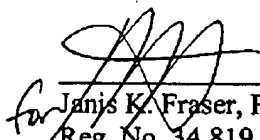
REMARKS

Following entry of the above amendment, claims 1-13 will be pending in this application, new claim 13 having been added. Claim 8 is currently amended. Support for the amendments and new claims can be found throughout the specification and claims as originally filed, for example, at original claim 8. No new matter has been added.

Applicants ask that all claims be examined in view of the amendment to the claims. Please apply any required charges or credits to deposit account 06-1050, referencing Attorney Docket No. 14875-144US1.

Respectfully submitted,

Date: March 15, 2006

  
for Janis K. Fraser, Ph.D., J.D.  
Reg. No. 34,819  
Janice L. Kugler  
Reg. No. 50,429

Fish & Richardson P.C.  
225 Franklin Street  
Boston, MA 02110  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

PATENT APPLICATION SERIAL NO. 10/535764

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

15/26/2005 SHAJARRO 00000039 10535764

01 FC:1631	300.00 OP
02 FC:1633	200.00 OP
03 FC:1642	400.00 OP

07/13/2006 BCAMPBEL 00000002 061050 10535764  
01 FC:1616 360.00 DA

PTO-1556 Adjustment date: 10/06/2006 THOLLAND  
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01 FC:1616 360.00 CR